



ATCO Gas

**Measurement Adjustments Outside of the
Deferred Gas Account Limitation Period**

Cost Awards



ALBERTA UTILITIES COMMISSION

Decision 2010-485: ATCO Gas

Measurement Adjustments Outside of the
Deferred Gas Account Limitation Period

Application No. 1606079

Cost Application No. 1606355

Published by

Alberta Utilities Commission

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1 INTRODUCTION

1. On April 12, 2010, ATCO Gas (AG), a division of ATCO Gas and Pipelines Ltd., filed an application (Application) with the Alberta Utilities Commission (AUC or Commission) for approval to process gas measurement volume adjustments (measurement adjustments) for periods which were outside of the two-year deferred gas account (DGA) adjustment limitation period established in Decision 2006-042. These adjustments pertained to gas flows incorrectly included in AG's firm service utility account (FSU) with ATCO Pipelines (AP), also a division of ATCO Gas and Pipelines Ltd. If approved by the Commission, the adjustments would affect the determination of Direct Energy Regulated Services' (DERS) gas cost flow-through rate for energy sold to customers served in AG's south service territory.
2. The Commission dealt with this Application way of a written proceeding. On September 9, 2010 the Commission issued Decision [2010-437](#)¹ with respect to the Application.
3. On August 11, 2010, a summary of the costs being claimed was circulated to interested parties. Parties were advised that any comments regarding the figures listed in the summary or the merits of the total costs claimed were to be filed by August 25, 2010. The Commission did not receive any comments. Accordingly, the Commission considers the cost process to have closed on August 25, 2010.

2 VIEWS OF THE COMMISSION – AUTHORITY TO AWARD COSTS

4. When assessing a cost claim pursuant to Section 21 of the *Alberta Utilities Commission Act* (AUC Act), the Commission applies Rule 022, *Rules on Intervener Costs in Utility Rate Proceedings* (Rule 022).
5. In exercising its discretion to award costs, the Commission will, in accordance with section 11 of Rule 022, consider whether an eligible participant acted responsibly and contributed to a better understanding of the issues before the Commission, and whether the costs claimed are reasonable and directly and necessarily related to the proceeding. The Commission considers these factors in light of the scope and nature of the issues in question.
6. In the Commission's view, the responsibility to contribute positively to the process is inherent in the choice to intervene in a proceeding. The Commission expects that those who choose to participate will prepare and present a position that is reasonable in light of the issues arising in the proceeding and necessary for the determination of those issues. To the extent

¹ Decision 2010-437 ATCO Gas: Measurement Adjustments Outside of the Deferred Gas Account Limitation Period (Application No. 1606079, Proceeding ID. 587) (Released: September 9, 2010).

reasonably possible, the Commission will be mindful of participants' willingness to co-operate with the Commission and other participants to promote an efficient and cost-effective proceeding.

7. As the costs of a utility proceeding are generally passed on to customers, it is the Commission's duty to ensure that customers receive fair value for a party's contribution. As such, the Commission only approves those costs that are reasonable and directly and necessarily related to the party's participation in the proceeding.

3 VIEWS OF THE COMMISSION – ASSESSMENT

8. AG submitted a cost claim totaling \$3,185.00. The claim is comprised of legal fees incurred by Bennett Jones LLP. The total claim is proposed to be recorded in the Hearing Cost Reserve Account for ATCO Gas South.

9. The Commission has considered the costs submitted by AG. The Commission finds that the participation of AG was effective and of assistance in reviewing the Application. The Commission also notes that the claims for professional fees were in accordance with the *Scale of Costs*. Accordingly, the Commission considers AG's claims in the total amount of \$3,185.00 to be reasonable.

4 GST

10. Eligible GST approved by the Commission amounts to \$0.00.

11. The Commission emphasizes that its treatment of the GST claimed in no way relieves participants or their lawyers and consultants from their GST obligations pursuant to the *Excise Tax Act*, R.S.C. 1985, c. E-15.

5 ORDER

IT IS HEREBY ORDERED:

1. ATCO Gas's external costs in the amount of \$3,185.00 are approved.
2. ATCO Gas shall record in the Hearing Cost Reserve Account for ATCO Gas South the allowed external applicant costs in the amount of \$3,185.00.

Dated on October 5, 2010.

ALBERTA UTILITIES COMMISSION

(Original signed by)

Moin Yahya
Panel Chair

(Original signed by)

Mark Kolesar
Commissioner

(Original signed by)

Bill Lyttle
Commissioner